

■ §2.53 MANDATORY PAROLE.

- (a) A prisoner (including a prisoner sentenced under the Narcotic Addict Rehabilitation Act, Federal Juvenile Delinquency Act, or the provisions of 5010(c) of the Youth Corrections Act) serving a term or terms of five years or longer shall be released on parole after completion of two-thirds of each consecutive term or terms or after completion of thirty years of each term or terms of more than 45 years (including life terms), whichever comes earlier, unless pursuant to a hearing under this section, the Commission determines that there is a reasonable probability that the prisoner will commit any Federal, State, or local crime or that the prisoner has frequently or seriously violated the rules of the institution in which he is confined. If parole is denied pursuant to this section, such prisoner shall serve until the expiration of his sentence less good time.
- (b) When feasible, at least sixty days prior to the scheduled two-thirds date, a review of the record shall be conducted by an examiner panel. If a mandatory parole is ordered following this review, no hearing shall be conducted.
- (c) A prisoner released on mandatory parole pursuant to this section shall remain under supervision until the expiration of the full term of his sentence unless the Commission terminates parole supervision pursuant to §2.43 prior to the full term date of the sentence.
- (d) A prisoner whose parole has been revoked and whose parole violator term is five years or more shall be eligible for mandatory parole under the provisions of this section upon completion of two-thirds of the violator term and shall be considered for mandatory parole under the same terms as any other eligible prisoner.

Notes and Procedures

■ 2.53-01. *Review Procedure.*

- (a) Upon receipt of a progress report from the institution prior to the "two-thirds" date, an examiner panel shall conduct a record review. A recommendation to parole normally should be made in order to provide a period under supervision for all except those who have the greatest probability that they will commit any federal, state or local crime following release. A parole should not be recommended, however, for prisoners who have seriously or frequently violated the rules of the institution.
- (b) Unless mandatory parole is ordered on the basis of the record review, the case should be placed on the next hearing docket for a Mandatory Parole Hearing. If the Regional Commissioner disagrees with a panel recommendation to grant Mandatory Parole on the record, he may order that the case be heard as originally scheduled. If parole is not recommended following such hearing, the examiner panel may recommend any such action as may be appropriate.

■ 2.53-02. *Release Certificate.*

The Commission's regular parole release certificate (Parole Form H-8) shall be used, except that the word "Mandatory" should be typed beneath the title of the form.

■ 2.53-03. *Concurrent State Sentences.*

If Mandatory Parole at two-thirds of a federal term is not granted on the basis of a record review, and the prisoner is serving a state sentence concurrently, no personal hearing is required. If the prisoner is merely "boarded" in a state institution, such personal hearing must be conducted as in cases confined in federal facilities.

■ 2.53-04. *Previous Hearing Within 120 Days.*

If a personal hearing is conducted within 120 days of an inmate's "two-thirds date," the examiner panel may recommend relative to Mandatory Parole without the need for a subsequent review on the record or separate Mandatory Parole hearing. Any serious institutional misconduct following such determination will be reported to the Commission in accordance with procedures relative to any parole grant, and, in such event, a rescission may be scheduled.

■ 2.53-05. *Effective Date.*

The effective date of Mandatory Parole normally shall be the date on which two-thirds of the maximum term(s) occurs. In the event a Mandatory Parole Hearing is not conducted prior to such date (i.e., where such prisoner has previously waived such hearing) the effective date shall be set as soon as practicable thereafter, but in no case later than the date the prisoner would otherwise be released on the basis of "good time" credits.